

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT S. GANS

Petitioner,

-against-

BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP

Respondent.  
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ECF Case

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07 CV 9328 (LTS)

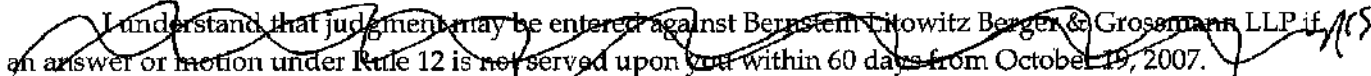
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**Waiver of Service**

TO: Rosalind S. Fink (RF - 2492)  
Brill & Meisel  
845 Third Ave., 16<sup>th</sup> Fl.  
New York, NY 10022  
(212) 753-5599

The law firm Kramer Levin, Naftalis & Frankel LLP is representing Bernstein Litowitz Berger & Grossmann LLP, the Respondent in the above-captioned action and I am authorized to accept service of process on Respondent's behalf. I acknowledge receipt of your request that Respondent waive service of the Summons and Petition in the above-captioned action and have received two copies of the Summons and the Petition in this action and a means by which I can return this waiver to you without cost to Respondent.

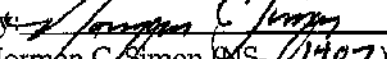
Respondent agrees to save the cost of service of a Summons and an additional copy of the Petition in this lawsuit by not requiring that Bernstein Litowitz Berger & Grossmann LLP be served with judicial process in the manner provided by Rule 4.

Bernstein Litowitz Berger & Grossmann LLP will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons and petition.

 I understand that judgment may be entered against Bernstein Litowitz Berger & Grossmann LLP if an answer or motion under Rule 12 is not served upon you within 60 days from October 19, 2007. MS

Dated: October 31, 2007

KRAMER LEVIN NAFTALIS & FRANKEL LLP  
Attorneys for Respondent Bernstein Litowitz Berger &  
Grossmann LLP

By:   
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New York, New York 10036  
(212) 715-9100